

RONALD D. CLARK,
Plaintiff,
v.
WAL-MART,
Defendant.

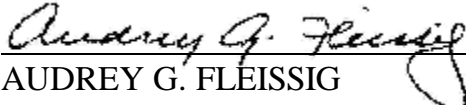
This matter is before the Court on the motion of Defendant Wal-Mart for partial dismissal. The Court has construed Plaintiff's complaint, initially filed on July 15, 2010, as asserting claims under 42 U.S.C. § 1981 and the Missouri Human Rights Act, Mo. Rev. Stat. § 213.065 ("MHRA"), for violation of his civil rights by Defendant's alleged refusal to sell him a gun because he is African American. Defendant argues that Plaintiff's claim under the MHRA should be dismissed as time barred because Plaintiff did not file this action within 90 days of issuance of the April 7, 2010 notice of right to sue issued by the Missouri Commission on Human Rights ("Commission"), and attached to Wal-Mart's motion to dismiss. Plaintiff, who is proceeding pro se, has not responded to the motion to dismiss.

The MHRA provides that before filing a civil action based upon a violation of the Act such as that claimed here, a person must file a complaint with the Commission, and must file the civil action within 90 days of issuance by the Commission of a notice of

right to sue. Mo. Rev. Stat. §§ 213.075, 213.111; *Hammond v. Mun. Corr. Inst.*, 117 S.W.3d 130, 138-39 (Mo. Ct. App. 2003) (holding that the 90-day period runs from the date of the notice, not receipt). Here, Plaintiff's claim under the MHRA is untimely and must be dismissed. *See Hill v. Sherwin-Williams Co.*, No. 4:11CV530 JCH, 2011 WL 1935844, at *2 (E.D. Mo. May 19, 2011) (dismissing pro se plaintiff's claim under the MHRA as untimely where it was filed more than 90 days after issuance of the right to sue letter).

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to dismiss Plaintiff's claim under the Missouri Human Rights Act is **GRANTED**. [Doc. #18]



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 27th day of July, 2011.